

SITE DEVELOPMENT PERMIT

FILE NO.	H19-055
LOCATION OF PROPERTY	4100 Stevens Creek Boulevard
ZONING DISTRICT	CG Commercial General
GENERAL PLAN DESIGNATION	Urban Village
PROPOSED USE	Site Development permit to allow construction of a 27,411-square foot vehicle showroom and offices for the existing auto dealership on the approximately 5.28-gross acre site.
ENVIRONMENTAL STATUS	Initial Study/Mitigated Negative Declaration
APPLICANT/ADDRESS	Habitec Architecture John Gutknecht 2290 North 1st Street San Jose, CA 95131
OWNERS/ADDRESSES	Chrysler Group Realty Co., LLC 1000 Chrysler Drive Auburn Hills, MI 48326

FACTS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts regarding this proposed project:

1. **Site Description and Surrounding Uses.** The subject 5.28-gross acre site is located on the south side of Stevens Creek Boulevard, approximately 130 feet easterly of S. Kiely Boulevard, and is currently occupied by three existing automobile dealership buildings totaling approximately 24,174 square feet. To the north are a fuel station, automobile dealership, and single-family residences, to the south are an office building and an automobile dealership, to the east are automobile dealerships, and to the west are a commercial shopping center and automobile dealerships.
2. **Project Description.** Site Development Permit to allow construction of a 27,411-square foot vehicle showroom and office building for the existing auto dealership (Chrysler) on the approximately 5.28-gross acre site.
3. **General Plan.** The subject site is designated Urban Village on the Envision San José 2040 General Plan Land Use/Transportation Diagram and is located within the boundary of the Stevens Creek Urban Village. The site is designated as Urban Village Commercial in the Stevens Creek Urban Village Plan. The Urban Village Commercial designation supports a wide range of commercial uses, including retail sales and services, professional and general offices, and institutional uses as stand-alone uses or in a mixed use format. Analysis of

project conformance with the Urban Village Plan is addressed in the Urban Village Plan section, below.

The following General Plan policies apply to the project:

Land Use Policy LU-4.1: Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San José’s workers, residents, and visitors.

Land Use Policy LU-5.1: In order to create complete communities, promote new commercial uses and revitalize existing commercial areas in locations that provide safe and convenient multi-modal access to a full range of goods and services.

Community Design Policy CD-4.1: Maintain and update design guidelines adopted by the City and abide by them in the development of projects.

Analysis: The project is consistent with General Plan Land Use Policy LU-4.1 and Land Use Policy LU-5.1 in that it retains a commercial site by expanding and revitalizing the existing commercial tenant space with enhanced architecture and materials, increased landscaping and trees, and the incorporation of public art. The project is also consistent with Community Design Policy CD-4.1 in that it is consistent with the Commercial Design Guidelines, including use of a variety of materials and colors as well as incorporation of horizontal and vertical plane changes that add depth and interest to the building façade.

4. **Zoning Ordinance.** The proposed project site is located in the CG Commercial General Zoning District. Section 20.100.610 of the City of San José Municipal Code requires a Site Development Permit for issuance of any building permit for erection, construction, enlargement, placement or installation of a building or structure in conformance with the applicable zoning regulations. The project conforms in all respects to the provisions of Title 20 of the San José Municipal Code, including consistency with the following requirements:
 - a. **Use.** *Auto dealerships and auto service uses are allowed in the CG Commercial General Zoning with a Site Development Permit.*
 - b. **Setbacks.** *The CG Commercial General Zoning District requires a minimum 15-foot front setback, and no minimum side and rear setbacks. The subject property has one frontage along Stevens Creek Boulevard, and the existing buildings and proposed expansion are set back more than 15 feet from this front property line.*
 - c. **Height.** *Per Municipal Code Section 20.85.020, the maximum allowable height for structures at this site is 120 feet. The height of the proposed building is approximately 35 feet and is therefore consistent with this requirement.*
 - d. **Automobile Parking.** *Vehicle parking requirements for the existing and proposed uses onsite are as follows:*

Use	Zoning Ordinance Requirement	Existing and Proposed Onsite Use	Required Vehicle Spaces
Business and administration	1 per 250 square feet of floor area	<u>Floor area^a:</u> Proposed: 5,454 square feet Existing: 1,326 square feet	27
Showroom	1 per 350 square feet of enclosed showroom plus 1 per 2,500 square feet of open showroom area	<u>Floor area^a:</u> Open: 19,202 square feet Enclosed: 9,431 square feet	35

Service bay	2 per service bay	10 service bays	20
Warehouse	1 per 5,000 sq. ft. of gross floor area	33,873 gross floor area	7
Total			89

^a Per Municipal Code Section 20.90.050.D, “floor area” is defined as 85 percent of the gross floor area when calculating parking requirements.

The project site is located in the Stevens Creek Urban Village area and is subject to an additional 20 percent reduction in required spaces; therefore, a total of 72 vehicle spaces are required. The project proposes a total of 118 spaces and is therefore consistent with the vehicle parking requirements of the zoning ordinance.

- e. **Motorcycle Parking.** *Municipal Code Section 20.90.350 requires that commercial uses provide one motorcycle space per 20 required vehicle parking spaces. The project therefore requires 4 motorcycle parking spaces. The project proposes 42 more vehicle spaces than required per the zoning ordinance; these spaces are considered to fulfill the motorcycle parking requirement.*
 - f. **Bicycle Parking.** *Municipal Code Section 20.90.060 requires one bicycle parking space per 10 full-time employees. A maximum of 40 full time employees would be expected; therefore, four long-term bicycle spaces are required. These are proposed within the new building and would be consistent with the quantity and design required by the zoning ordinance.*
5. **Urban Village Plan.** This project is located in a designated Urban Village per the Envision San Jose 2040 General Plan. Urban Villages are designed to provide a vibrant and inviting mixed-use setting to attract pedestrians, bicyclists, and transit users of all ages and to promote job growth.

The project is consistent with the following Stevens Creek Urban Village Plan goals and policies:

Policy LU-1.5: Support the continued operation of motor vehicle uses, including auto repair, automobile sales and rental lots, and auto parts sales. However, over time, as the market changes, these uses are intended to be redeveloped with uses that are more pedestrian and transit supportive or support the continued existence of auto uses in a more urban, pedestrian-oriented format.

Policy LU-1.8: Building and site improvements for existing interim commercial uses, including auto uses, that require discretionary approvals, shall be designed to improve the pedestrian environment by increasing landscaping adjacent to the sidewalk, installing large canopy street trees, improving the sidewalk consistent with the policies and guidelines of this Plan, providing public art, or providing a publicly-accessible plaza or pocket park. Improvements should also include those that enhance the pedestrian connection or access between the sidewalk and the existing commercial use.

Land Use Goal LU-2: Create a mixed-use Urban Village that focuses commercial activity along Stevens Creek Boulevard, Kiely Boulevard, and Saratoga Avenue, and is pedestrian focused, enhances the quality of life for residents in surrounding communities and supports the existing and planned public transit.

Analysis: The project is consistent with the Urban Village Policies LU-1.5 and LU-1.8 and Goal LU-2, in that the project will increase commercial development on an existing site, and provide public amenities including expansion of the sidewalk to 20 feet along the project frontage, street tree plantings along the sidewalk, and installation of a public art display that would be visible from the sidewalk along Stevens Creek Boulevard. These improvements were coordinated with the Department of Public Works as well as the Valley Transportation Authority.

Urban Village Maximum Building Height: Per the Building Height Diagram for the Stevens Creek Urban Village, the maximum allowable height for this site is 150 feet.

Analysis: The proposed building height is approximately 30 feet, and is therefore consistent with the maximum allowable height of the Urban Village Plan.

6. **Commercial Design Guidelines.** *The project is consistent with the Commercial Design Guidelines, in that the design of the proposed two-story showroom will have an attractive retail storefront construction to create an attractive modern architectural style. The finished materials of the two-story showroom building will consist of a combination of metallic gray wall panels large windows framed by a bamboo composite material to create an attractive design. These windows maximize visibility into the building, provide ample natural light for the interior of the showroom, and create a functional and useful interior building space which will incorporate customers, office staff and sales/service staff.*

The site design also incorporates landscaping and planters along site frontage. The modern building materials and new perimeter landscaping stimulate interest and emphasize pedestrian scale and customer-oriented design fronting Stevens Creek Boulevard, which is also a Grand Boulevard. Additionally, the project will incorporate and maintain an art sculpture at the street frontage along Stevens Creek; this is required in Condition of Approval No. 7, below.

7. **Tree Removals.** *This project includes the removal of 3 trees that are less than ordinance-sized.*
8. **Environmental Review.** *The potential environmental impacts of this project were assessed in an environmental document entitled “Stevens Creek Chrysler Jeep Dodge Ram – New Showroom Building Project Initial Study/Mitigated Negative Declaration.” A Mitigation and Monitoring Reporting Program (MMRP) was also prepared to minimize and mitigate potential impacts to Biological Resources.*

Analysis: No significant impacts were identified in the document after implementation of all project conditions and mitigation measures.

The project would occur in an urbanized area that is adequately served by all required utilities and public services. There is little to no habitat located on the site, and the site is not within close proximity to any rivers, waterways, or riparian habitat. The site is classified as Urban-Suburban land cover in the Santa Clara Valley Habitat Conservation Plan, and no endangered, rare, or threatened species habitat have been identified on-site. Therefore, the project is not located in an environmentally sensitive area.

The project would also comply with all applicable City requirements, including Performance Standards of Municipal Code Section 20.40.600 and the City’s stormwater policies requiring low-impact development stormwater measures to minimize discharge of stormwater pollutants. The temporary construction period for the project would include limited construction hours and implementation of standard permit conditions and would not have an

unacceptable negative effect on adjacent properties. Additionally, project construction and operation would not result in generation of excessive noise or odor.

The Initial Study/Mitigated Negative Declaration was publicly circulated for twenty one days, from April 26, 2021 to May 17, 2021, published on the City's website (<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/negative-declaration-initial-studies/stevens-creek-chrysler-jeep-dodge-ram-new-showroom-project>), and routed to local agencies and interested parties. The only comments that were received were from the Santa Clara Valley Water District. However, these comments were minor in nature and did not require a response to comments or changes to the environmental analysis. No additional comments were received during the public circulation period.

9. **Grand Boulevard.** This project fronts Winchester Boulevard which is designated as one of seven Grand Boulevards per the Envision San Jose 2040 General Plan. Grand Boulevards are identified to serve as major transportation corridors for primary routes for VTA light-rail, bus rapid transit, standard or community buses, and other public transit vehicles.

Analysis: Proposed improvements including a dedicated sidewalk and landscaping along the project frontage and adjacent to an existing bus stop, as well as a public art display visible from the sidewalk, contribute to an improved experience for pedestrians and transit-users.

FINDINGS

The Director of Planning, Building, and Code Enforcement concludes and finds, based on the analysis of the above facts, with respect to the Site Development Permit findings (Section 20.100.630), that:

1. The Site Development Permit, as approved, is consistent with and will further the policies of the General Plan and applicable Specific Plans and Area Development Policies.

Analysis: As stated in the General Plan section above, the project is consistent with the land use designation and General Plan policies, including LU-4.1, LU-5.1, and CD-4.1.

2. The Site Development Permit, as approved, conforms with the Zoning Code and all other provisions of the San Jose Municipal Code applicable to the project.
 - a. **Use.** Auto dealerships and auto service uses are permitted by right in the Commercial General zoning district.
 - b. **Setbacks.** The CG Commercial General Zoning District requires a minimum 15-foot front setback, and zero-foot side and rear setbacks.
 - c. **Height.** The allowable height in this Zoning District is 120 feet per the Municipal Code Section 20.85.020 for Specific Height Restrictions.
 - d. **Automobile Parking.** Auto dealerships must comply with the following parking requirements: 1 space per 250 square feet of floor area used for business and administration, 1 space per 350 square feet of enclosed showroom plus 1 spaces per 2,500 square feet of open showroom area, and 2 spaces per service bay.
 - e. **Motorcycle Parking.** 1 motorcycle parking space is required per 20 code-required auto parking spaces.

- f. **Bicycle Parking.** 1 bicycle parking must be provided per 10 full-time employees.

Analysis: As identified in the Zoning Ordinance conformance section above, the project is consistent with all applicable requirements of the zoning ordinance, including the allowed use, setbacks, height, and parking requirements.

3. The Site Development Permit, as approved, is consistent with applicable City Council Policies, or counterbalancing considerations justify the inconsistency.

Analysis: All lighting fixtures are appropriately shielded pursuant to City Council Policy 4-3: Outdoor Lighting on Private Developments and will not have adverse effects on adjacent residential properties.

4. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

Analysis: The proposed structure would be constructed using a contemporary architectural style that is compatible with other building onsite and on surrounding properties.

5. The orientation, location and elevations of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

Analysis: The proposed location and height of the proposed building is compatible with the existing onsite buildings as well as buildings on adjacent sites.

6. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

An Initial Study and Mitigated Negative Declaration was completed which identified no significant environmental impacts that would result from the project after implementation of required project conditions and mitigation measures. Additionally, the project would comply with all applicable City requirements, including Performance Standards of Municipal Code Section 20.40.600 and the City's stormwater policies requiring low-impact development stormwater measures to minimize discharge of stormwater pollutants. The temporary construction period for the project would include limited construction hours and implementation of standard permit conditions to ensure no unacceptable negative effect on adjacent properties. Additionally, project construction and operation would not result in generation of excessive noise or odor. Therefore, the project would no result in any unacceptable negative effects related to noise, vibration, dust, drainage, erosion, storm water runoff, and odor.

7. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

Analysis: The site has appropriate landscaping and irrigation as shown on the project plans; the heating, ventilating, and plumbing systems are shielded on the roof or inside the building.

8. Traffic access, pedestrian access and parking are adequate.

Analysis: The proposed traffic access, pedestrian access, and parking are adequate, in that the overall circulation and parking of the project site is sufficient for the uses on-site. The sidewalk fronting the project site would be expanded to a width of 20 feet, including

provision of street trees to enhance the pedestrian environment. As described in the Zoning Ordinance section above, provided parking conforms with the Zoning Ordinance standards for automobiles, motorcycles, and bicycles, and is easily accessible to customers. As identified in the Initial Study, the proposed building would not increase the number of employees at the site, and would not adversely affect the transportation system or result in significant changes to traffic volumes in the area.

In accordance with the findings set forth above, a Site Development Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire four years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this Site Development Permit shall be deemed acceptance of all conditions specified in this Permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San Jose Municipal Code requires that all land development approvals and applications for such approvals in the City of San Jose shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San Jose-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San Jose-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within

the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

5. **Conformance to Plans.** The development of the site shall conform to the approved Site Development Permit Amendment plans entitled, “Stevens Creek CDR+J” dated December 10, 2021 on file with the Department of Planning, Building and Code Enforcement, and to the San Jose Building Code with the exception of any subsequently approved changes.
6. **Colors and Materials.** All building colors and materials shall be those specified on the Approved Plan Set.
7. **Art Installation:** An art sculpture shall be incorporated and maintained at the street frontage along Stevens Creek Boulevard. The art sculpture shall be installed in the front landscape area of the project site, visible from Stevens Creek Boulevard. An art sculpture proposal is not approved at this time and shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment, prior to issuance of a Grading/Building Permit.
8. **Timing of Tree Removals.** Trees that are proposed for removal to accommodate new development shall not be removed until the related Building Permit has been issued.
9. **Tree Protection Standards.** The applicant shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director of Planning. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval, and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the applicant to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.
10. **Replacement Trees.** Three non-ordinance sized trees are proposed to replace those removed as part of this project. In accordance with the City’s standard replacement ratio, 3 trees are required as replacements on the site. The applicant shall provide appropriate evidence such as, but not limited to, photographs and/or receipts to the Planning Project Manager, to verify compliance with this requirement. Such evidence shall be labeled “File Number H19-055” and provided to the Planning Project Manager, prior to the issuance of Building Permits or any Public Works clearances.
11. **Over-Excavation.** All tree planting areas, including street trees, shall be over-excavated and new topsoil placed, to ensure the health of the trees.
12. **Irrigation Standards.** The applicant shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that is consistent with the City of San José Landscape and Irrigation Guidelines. The design of the system shall be approved and stamped by a California Registered Landscape Architect.
13. **Lighting.** All new on-site, exterior, unroofed lighting shall conform to the City’s Outdoor Lighting Policy and shall use fully cut-off and fully shielded, low-pressure sodium fixtures

unless otherwise approved with this project. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property.

14. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the Approved Plan Set.
15. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
16. **Window Glazing.** Unless otherwise indicated on the Approved Plan Set, all windows shall consist of a transparent glass.
17. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San Jose Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
18. **Green Building Requirements for Tier 1 Non-Residential Development (<25,000 square feet).** This development is subject to the City's Green Building Ordinance for Private Sector New Construction. Prior to the issuance of any shell or complete building permits issued on or after September 8, 2009 for the construction of buildings approved through the scope of this Permit, the applicant shall submit a LEED green building checklist for said buildings.
19. **Affordable Housing Financing Plans.** The City is in the process of developing financing plans to help fund affordable housing and related amenities and services. The financing plans may include the creation of a (i) Community Facilities District(s); (ii) Enhanced Infrastructure Financing District(s); (iii) Property Based Improvement District(s); (iv) Mitigation Impact Fee program(s); (v) Commercial linkage fee program(s); and/or (vi) other financing mechanisms or combination thereof. For example, the City Council has directed City staff to complete studies and make recommendations related to commercial impact fees to help fund affordable housing. These efforts are on-going and there will continue to be other similar efforts to study various funding mechanisms for affordable housing. By accepting this Permit, including the conditions of approval set forth in this Permit, permittee acknowledges it has read and understands all of the above. Permittee further agrees that prior to the issuance of any building permit, the project shall be subject to, fully participate in, and pay any and all charges, fees, assessments, or taxes included in any City Council-approved financing plans related to affordable housing, as may be amended, which may include one or more of the financing mechanisms identified above.
20. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit for a new building (excluding façade improvements to the existing buildings), the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit file number, H19-055, shall be printed on all construction plans submitted to the Building Division.
 - b. *Americans with Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - c. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any Building

Permit issuance, Building Permit plans shall conform to the approved Planning development permits and applicable conditions.

21. **Bureau of Fire Department Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the project must comply with the 2019 California Fire Code.
22. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code.
23. **Construction Hours.** Construction and grading activities within 500 feet of a residential unit shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. This includes staging of equipment and construction personnel. The construction hours shall be printed on all plans for the project used to construct the project. Interior construction activities that do not generate any audible noise impacts at residential properties are allowed on Saturdays between 9:00 a.m. and 5:00 p.m.
24. **Environmental Impact Mitigation Measures.** All mitigation measures in the approved Mitigation Monitoring and Reporting Program must be implemented.
25. **Generators.** This permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
26. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
27. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction.
28. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
29. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
30. **Nuisance.** As required by Title 20 of the San Jose Municipal Code, construction on this site shall be conducted in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
31. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
32. **Recycling.** Scrap construction and demolition material shall be recycled. Integrated Waste Management staff at (408) 535-8550 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
33. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of

the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/devresources> .

- a. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
- b. **Transportation:**
 - i. In alignment with State of California Senate Bill 743 (SB743), the City of San Jose Policy, Transportation Impact Policy - Council Policy 5-3 has been replaced with a new Transportation Analysis Policy - Council Policy 5-1. Council Policy 5-1 replaces the transportation impacts threshold from Level of Service (LOS) under Council Policy 5-3 to Vehicle Miles Traveled (VMT).
 - ii. Upon further review it has been determined that no further transportation analysis will be required for this project due to there being no site access or circulation changes being proposed, and minimal net project trip generation.
- c. **Grading/Geology:**
 - i. A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
 - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2013 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.
 - iii. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit. This report should include, but is not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations.
- d. **Stormwater Runoff Pollution Control Measures:** The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- e. **Flood: Zone D.** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.

- f. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
 - g. *Street Improvements:*
 - i. Remove curb, gutter, and sidewalk and construct 20' wide attached sidewalk with tree wells along Stevens Creek Boulevard frontage. A 10' sidewalk easement is required.
 - ii. Construct two (2) 26' wide City standard driveways along Stevens Creek Boulevard.
 - iii. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - iv. Developer shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.
 - v. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - vi. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
 - h. *Sanitary:* The project is required to submit plan and profile of any new lateral locations for final review and comment prior to construction.
 - i. *Electrical:* Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
 - j. *Street Trees:*
 - i. The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
34. **Revocation, Suspension, Modification.** This Site Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San Jose Municipal Code it finds: \
- a. A violation of any conditions of the Site Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or

- c. The use as presently conducted creates a nuisance.

APPROVED and issued on this **7th day of July, 2021.**

Chris Burton, Director
Planning, Building, and Code Enforcement

Deputy

DRAFT